

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STATE OF MINNESOTA, *by its*
Attorney General Keith Ellison,

Plaintiff,

v.

SANOFI-AVENTIS U.S. LLC, et al.,

Defendants.

Case No. 3:18-cv-14999(BRM)(LHG)

**AMENDED CASE MANAGEMENT ORDER:
SCHEDULE**

As ordered by the Court, the following case management provisions shall govern the litigation of this action:

I. GENERAL DISCOVERY GUIDELINES

TOPIC	GUIDELINE
Limitations on discovery.	Discovery shall not deviate from the limitations set forth in Federal Rule of Civil Procedure 26 and the Local Rules, except as described below.
Interrogatories	<p>The parties agree that (i) all of defendants' responses to plaintiffs' interrogatories in <i>In re Insulin Pricing Litigation</i>, 17-cv-699 shall be served upon the State of Minnesota at the same time the responses are served upon the plaintiffs in <i>In re Insulin Pricing Litigation</i>, 17-cv-699, and (ii) the Court should permit the State of Minnesota to propound an additional 15 interrogatories per defendant.</p> <p>The parties agree that the Court should permit defendants to propound 25 interrogatories to the State of Minnesota.</p> <p>These limits shall not apply to contention interrogatories, on which the parties will meet-and-confer before propounding regarding the number of interrogatories and any other needed limitations.</p>
Requests for Admissions	No limits, except as otherwise provided for by Federal and Local Rules.
Productions	<p>The parties agree that:</p> <p>(i) all of plaintiffs' requests for production served in <i>In re Insulin Pricing Litigation</i>, 17-cv-699 ("<i>Insulin Pricing RFPs</i>") shall be deemed served on defendants by the State of Minnesota in this action, including plaintiffs' first and second requests for production, which shall be deemed served by the State of Minnesota on defendants in this action as of July 1, 2020.</p> <p>(ii) defendants' responses, objections, and productions of documents to the <i>Insulin Pricing RFPs</i> shall be served upon the State of Minnesota in this action at the same time that they are served upon the plaintiffs in <i>In re Insulin Pricing Litigation</i>, 17-cv-699, except that all responses, objections, and productions of documents made prior to July 1, 2020 in <i>In re Insulin Pricing Litigation</i>, 17-cv-699 shall be served upon and produced to the State of Minnesota on July 1, 2020; and</p> <p>(iii) nothing in this case management order shall alter the State of Minnesota's ability to serve requests for production pursuant to Fed. R. Civ. P. 34 in this action, nor alter provision 7.1 of the Confidentiality</p>

	Order (ECF No. 299) in <i>In re Insulin Pricing Litigation</i> , 17-cv-699, which permits the State of Minnesota to access and use all materials produced to plaintiffs in <i>In re Insulin Pricing Litigation</i> , 17-cv-699, in furtherance of its prosecution of this action.
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II. SCHEDULE¹

OLD DATE	NEW DATE	EVENT
July 1, 2020	-	Fact discovery began.
July 1, 2020	-	The parties served initial disclosures under Rule 26.
July 1, 2020	-	Parties served initial Rule 34 requests for production.
July 1, 2020	-	Deadline for parties to meet and confer regarding the preservation and production of electronically stored information (“ESI”) and to submit to the Court an ESI protocol.
July 10, 2020	-	Defendants’ deadline to file motions to dismiss, returnable Aug. 3, 2020.
July 22, 2020	-	Parties in this action and <i>In re Insulin Pricing Litigation</i> , 17-cv-699 submit a deposition protocol governing both actions, including protocol on showing highly confidential documents to witnesses, or briefing as to disagreement.
March 8, 2021	-	Deadline to provide initial deponent list pursuant to Section III(5) of the deposition protocol.
April 20, 2021	No change	Parties certify that production of documents responsive to discovery requests is substantially complete.
April 20, 2021	No change	Deadline to amend pleadings. No depositions shall commence prior to this date.

¹ The parties reserve the right to seek modifications of the schedule, including the deadlines for substantial completion of document productions, including based on developments in the COVID-19 pandemic.

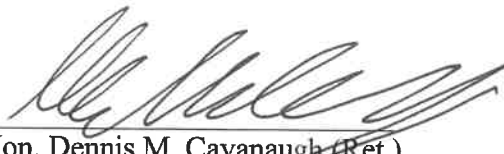
March 19, 2021	No change	Deadline to propound requests for production. The parties will meet-and-confer before propounding additional requests for production after the substantial completion deadline regarding reasonable, limited, and targeted requests.
October 19, 2021	No change	Fact discovery closes, except as to the seven Minnesota agencies on which Defendants issued Rule 45 subpoenas. ² This does not preclude data discovery, including related depositions, of third parties at a later date as needed for expert merits reports. ³
October 19, 2021	January 19, 2022	Fact discovery closes as to the seven Minnesota agencies on which Defendants issued Rule 45 subpoenas. This does not preclude data discovery, including related depositions, of third parties at a later date as needed for expert merits reports.
21 days after the Court's decision certifying or declining to certify the class in <i>In re Insulin Pricing Litigation</i> , No. 17-cv-699 (D.N.J.)	No change	Parties to submit a schedule for merits expert reports, Rule 56 and <i>Daubert</i> motions, and trial.

² Defendants issued Rule 45 subpoenas on the following Minnesota state agencies: (1) Department of Administration; (2) Department of Commerce; (3) Department of Corrections; (4) Department of Health; (5) Department of Human Services; (6) Department of Management and Budget; and (7) Department of Health. Defendants reserve the right to argue that the Minnesota agencies are not third parties.

³ Although the parties intend to coordinate discovery in this action and *In re Insulin Pricing Litigation* to the greatest extent practicable, the State reserves the right to seek an extension to the deadline to complete fact discovery on Defendants to the extent there are issues in this action that require additional time to complete. Defendants agree not to unreasonably withhold their consent to a request for such an extension. Further, any extension to the close of the October 19, 2021 discovery deadline in *In re Insulin Pricing Litigation* shall apply to this deadline. Finally, the parties reserve the right to seek to extend this discovery deadline if warranted by discovery on the Minnesota agencies that occurs after October 19, 2021.

SO ORDERED.

Dated: May 27, 2021


Hon. Dennis M. Cavanaugh (Ret.)
Special Master